

**June 1<sup>st</sup>, 2015 Mayville City Council**

The Mayville City Council met in regular session on June 1<sup>st</sup>, 2015 at 6:00pm in the council chambers with Mayor Don Moen presiding and the following Aldermen responding to call of the roll: Jorgensen, O'Brien, Bohnsack, Carlson; Absent: Petersen, Meshefski-LaBine. Gail Olstad, Julie Brenna, Lynn Slaathaug-Moen, Sheila Anderson, Deputy Scott Cote and Gary Moen were also in attendance.

The minutes of the May 18<sup>th</sup>, 2015 Council meeting were reviewed. A motion was made by Jorgensen to approve the minutes and was seconded by O'Brien supporting it, motion carried.

The following bills were presented for Council discussion:

10506	Aflac	all	insurance	\$	648.57
10507	Ameripride	city hall & armory	rugs	\$	307.34
10508	City of Fargo	water treatment	water samples	\$	28.00
10509	City of Mayville	water	H2O deposit refund	\$	150.00
10510	Derek Petersen	cemetery	mowing - May	\$	2,400.00
10511	Ecolab	sanitation	main & operation	\$	140.03
10512	First & Farmers Bank	water	collection fee	\$	2.25
10472	LTN Construction	armory	repair & maint	\$	125.00
10514	Monica Hanson	armory	refund for cancelled wedding	\$	400.00
10515	MPEDC	sales tax	April payment	\$	4,431.79
10513	MSU	sales tax	April payment	\$	13,034.68
10516	NDPERS	all	insurance	\$	3,060.60
credit	Polar Communications	all	phones	\$	(390.28)
10517	Ralph's Sharp Shop	streets	John Deere mower	\$	29.99
10518	Reliance Standard	all	insurance	\$	189.00
10519	Sapphire's	all	plant for Steve Hunt	\$	43.00
10520	Traill Rural Water District	water distribution	purchased water	\$	3,870.84
10521	USA BlueBook	water treatment	chemicals	\$	376.98
10522	Waste Management	sanitation	garbage & recycling	\$	50.55
10523	Xcel Energy	all	electricity	\$	8,788.64

**REPORT TOTALS**

\$ 37,686.98

O'Brien moved to pay the bills as amended a second by Carlson supported the motion, motion carried.

During the Public Comment Section Gary Moen presented issues that are occurring for his premises as well as a few neighbors. It seems to Gary that the sewer line activity is causing his traps to dry up, allowing sewer gas to come back into the home. He has had his ventilation checked by a local plumber and all seems in order there. Mayor Moen has discussed the issue with the Water and Sewer department and as the sewer line that is being discussed is a gravity line it is unclear how it would be able to build up suction to cause the problem. The Water and Waste Water Superintendent will be asked to contact Gary directly and work through the issue.

Calendars for June & July were reviewed and discussed.

The Council wishes to congratulate the High School Baseball Team in the State Championship and requested that Mayor Moen publish a proclamation.

Rural Water Association Utility Management Retreat to be held June 24<sup>th</sup> & 25<sup>th</sup> in Carrington.

Blight Reports have been coming into the Auditor's Office and notices have begun being sent out to cover over grown lawn, weeds, bushes and trees as well as abandoned and junk vehicles and other ordinance violations. Prompt attention to the notices and cleanup within the stated times is urged as city Crews will begin taking care of the issues and bills will be sent to owners.

Julie Brenna the City's Deputy Auditor is now a Notary.

The City's old email addresses ending in @polarcomm.com will cease to be on June 2<sup>nd</sup>, all are reminded to use the @cityofmayville.us address. Further information and contact information is available on the mayvilleportland.com web page.

Brady Martz will be doing the annual audit July 13-22<sup>nd</sup>.

NDDOT is preparing to chip seal highway 200 through Mayville. We do not have dates yet.

During the law enforcement report Deputy Cote explained that there are some ATV's that are street legal and can be operated on streets by those holding valid licenses. They have been on the lookout for those not legal to issue citations.

O'Brien moved to approve the Second reading of the Century Link franchise ordinance:

ORDINANCE

Be it ordained by City Council of the City of Mayville, North Dakota:

Section 1. That Qwest Corporation dba CenturyLink QC, its successors and assigns (collectively "Grantee"), are hereby granted the right to use and occupy the streets, alleys, public ways and other public places as now or hereafter constituted of the City of Mayville, North Dakota, for a term of twenty (20) years from the effective date hereof, for the purpose of constructing, maintaining and operating a telecommunications and broadband services system within, over, upon and under the streets, alleys, public ways and other public places of said City.

Section 2. That the rights herein granted are subject to Chapter XI, Franchises, of the ordinances of the City of Mayville and the lawful exercise of the police power as the same now is or may hereafter be conferred upon said city.

Section 3. That this ordinance shall be in full force and effect, and shall constitute a binding contract between the City of Mayville and Qwest Corporation dba CenturyLink QC when it shall have been enacted according to law, and when the provisions hereof shall have been accepted in writing by said Qwest Corporation dba CenturyLink QC and such acceptance filed with the City Auditor.

Section 4. During the construction, maintenance or enlargement of any part of said telecommunications system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said City and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

The City reserves the right to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to such reasonable regulations of a police nature as it may deem necessary for the best interests of the City, provided that such regulations shall not be in conflict with this franchise or with the laws of the State of North Dakota or the United States and provided that the City will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

Section 5. In case of disturbance of any street, sidewalk, alley, public way, or paved area, the Grantee shall, at its own cost and expense and in manner approved by the City or its Engineer, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done. Grantee shall not be required to pay a fee for street openings.

I, Gail Olstad, City Auditor of the City of Mayville, North Dakota, do hereby certify that the forgoing is a true and correct copy of an Ordinance now of record in my office; that said Ordinance after being read on the 18th day of May, 2015, and the 1st day of June, 2015, respectively, was placed upon its final passage at a meeting of Mayville City Council held on the 1st day of June, 2015, whereupon, roll being called, and there being the 4 years, and 0 days, it was declared passed by a majority of all members of the City Council.

WITNESS my hand and the official seal of the City of Mayville, North Dakota, this 2<sup>nd</sup> day of June, 2015.

CITY OF MAYVILLE

/s/ Don Moen  
Don Moen, Mayor

ATTEST:

/s/ Gail Olstad  
Gail Olstad, City Auditor

ACCEPTANCE

Please take notice that Qwest Corporation dba CenturyLink QC hereby accepts all the terms and provisions of an Ordinance of the City of Mayville, North Dakota, entitled:

"AN ORDINANCE GRANTING TO QWEST CORPORATION DBA CENTURYLINK QC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE STREETS, ALLEYS, PUBLIC WAYS AND OTHER PUBLIC PLACES OF MAYVILLE, NORTH DAKOTA, FOR THE

June 1<sup>st</sup>, 2015



PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING  
A TELECOMMUNICATIONS SYSTEM WITHIN, OVER, UPON AND UNDER THE  
STREETS, ALLEYS, PUBLIC WAYS AND OTHER PUBLIC PLACES OF SAID  
CITY."

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ 15.

QWEST CORPORATION DBA CENTURYLINK QC

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary  
(My Commission Expires \_\_\_\_\_)

Bohnsack seconded it and upon a roll call vote the following voted: Yea: Bohnsack, Carlson, O'Brien, Jorgenson; Nay: 0; Absent: Meshefski-LaBine, Petersen.

Bohnsack made a motion to set the annual Auditor's Bond by resolution, Jorgensen seconded it supporting it:

***Resolution Setting Auditor Bond Limit***

Whereas, The City of Mayville is covered by a blanket bond by the North Dakota state bond fund; and,

Whereas, the North Dakota state bonding fund provides fidelity bond coverage for the city employees and public officials in dealing with public funds; and,

Whereas, the bond is fixed by the city governing body and set by resolution as outlined in NDCC 40-13-02; and,

Whereas, at the June 1<sup>st</sup>, 2015 regular City Council meeting of the Mayville City Council the current bond limits were reviewed and found to be sufficient.

Now, therefore, be it resolved by the city council of the city of Mayville, North Dakota, that the auditor bond coverage by the state bonding fund in the amount of one million, three hundred eighty eight dollars (\$1,388,000.00) has been reviewed and found sufficient.

Dated this 1<sup>st</sup> day of June 2015

Attest: Gail Olstad  
Gail Olstad, City Auditor

Mayor: Donald Moen  
Donald Moen

Upon a roll call vote the following voted: Yea: Bohnsack, Carlson, Jorgensen, O'Brien; Nay: 0; Absent: Meshefski-LaBine, Petersen.

The City Attorney has begun looking into the changes of single houses into apartment housing in Mayville. As all areas but Westwood and Riverwood are zoned RG (Residential General) Slaathaug-Moen advised that the City may need to re-zone. Information on how this is handled by other like towns (Valley City, Jamestown, Morris MN...) was reviewed; the attorney pointed out that MN has a much robust set of tenant rights and laws protecting tenants than does ND. Generally each city handles it with their own set of Ordinances and Zoning laws. Three areas need addressing: Zoning, Health & Safety, inspection and enforcement. Council will send the issue to committee. Also O'Brien recommended that the Auditor's Office supply information on the city's funding help such as RZ to any blight proceedings.

O'Brien moved to approve the City Auditor signing the agreement with the ND Sales Tax Commissioners Office for the collection of the City's Sales Tax again for the next two years. Carlson seconded it and upon a roll call vote the following voted: Yea: Bohnsack, Carlson, O'Brien, Jorgenson; Nay: 0; Absent: Meshefski-LaBine, Petersen.

Carlson made a motion to adjourn, Jorgensen seconded it, motion carried.

Attest: Gail Olstad  
Gail Olstad City Auditor

Mayor: Donald Moen  
Donald Moen

June 1<sup>st</sup>, 2015